

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**JOHN HOWARD SCOTT**

**CIVIL ACTION NO. 15-0823**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**JOHN SMITH, ET AL.**

**MAGISTRATE JUDGE KAREN L. HAYES**

**RULING**

*Pro se* Plaintiff John Howard Scott (“Scott”) filed the instant civil rights complaint pursuant to 42 U.S.C. §1983. On May 11, 2015, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 11] in which she recommended to the Court that Scott’s Complaint be dismissed with prejudice as frivolous.

On May 19, 2015, Scott filed objections [Doc. No. 12] to the Report and Recommendation citing Louisiana statutes in support of his claims. He continues to argue, however, as he did in his Complaint, that Defendants subjected him to actions in violation of the Thirteenth Amendment.

On June 22, 2015, Scott filed a Motion to Remove [Doc. No. 15] in which he now claims that he was “denied rights and privileges that are conferred by State law.” Therefore, he requests that the case be “removed” to the Nineteenth Judicial District Court, East Baton Rouge Parish, State of Louisiana.

Having fully reviewed the record in this matter, including Scott’s objections and Motion to Remove, the Court agrees with and ADOPTS the Magistrate Judge’s Report and Recommendation. Thus, all issues of federal law raised by Scott will be dismissed.

Additionally, the Court has no authority to grant Scott the relief requested in his Motion to Remove. This case was never pending in state court, but was brought in this Court as a civil rights

action under 42 U.S.C. § 1983. Therefore, the Court can neither remand nor remove the case to a state court now. Instead, given Scott's admissions and the Court's adoption of the Report and Recommendation, the proper recourse is for this Court to dismiss Scott's case. The Court will deny Scott's Motion to Remove as moot. He may seek relief from any appropriate state court on his state law claims.

MONROE, LOUISIANA, this 30th day of June, 2015.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE